



**UNITED STATES PATENT AND TRADEMARK OFFICE**

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COMMISSIONER FOR PATENT,  
UNITED STATES PATENT AND TRADEMARK OFFICE,  
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August 29, 2002

Crowell & Moring, LLP  
P O ox 14300  
**Washington, DC 20044-4300**

We regret to inform you that your refund request for \$130.00 on application number 09/766835 cannot be granted for the reason specified below.

- Refund based upon subsequent establishment of small entity status: A refund based on establishment of small entity status may be granted only if a written assertion of entitlement to small entity status under 37 CFR 1.27 and a request for refund of the excess amount are filed within three months of payment and of the fee (37 CFR 1.28). Three-month period for establishing small entity status and requesting a refund has expired.
- Refund of application filing or petition fee: Filing fees paid for an application that is entitled to a filing date and required petition fees are not fees paid by mistake or in excess. If an application is **not** entitled to a filing date and proceedings are terminated on the application, any filing fees (less the \$130 handling fee) will be refunded (37 CFR 1.53(e)(3)).
- Refund of overpayment: There was no overpayment made by applicant. All fees were calculated and assessed properly. **\*\*See below\*\***
- The payment for which the refund is requested has not been applied to the application. The payment check was returned to applicant for the following reason:
  - Not filled out properly. (See attached copy of notice.)
  - Not made payable in U.S. funds.
  - No explanation was given as to purpose.
  - Payment was previously received and applied by Office.
  - Check was returned by bank for insufficient funds.

**\*\*Any request for reconsideration or review of this decision must be by way of a petition filed within two months of this decision, which decision must set forth with particularity why a refund is due (see 37 CFR 1.181(b) and (f)).**

The sur charge must be paid because the Abstract was missing.

Sincerely,

Eleanor F. Kurtz  
Office of Initial Patent Examination